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Paper No. 9

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In re Application of :  
Caprio :  
Application No. 10/068,194 :  
Filed: February 5, 2002 :  
Attorney Docket No. 31287-36223 :  
FOR: NURSING GARMENT AND SUPPORT :  
BRA

**COPY MAILED**

**SEP 26 2003**

**OFFICE OF PETITIONS**

**DECISION GRANTING  
PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed September 11, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers (Notice), mailed February 28, 2002, which set a period for reply of two (2) months. No timely reply was filed. Thus, this application became abandoned on April 29, 2002. The filing of the instant petition precedes the mailing of A Notice of Abandonment. Applicant's petition to revive under the unavoidable standard of 37 CFR 1.137(a), filed February 24, 2003, was dismissed on July 28, 2003 for failure to show the entire delay in replying to the February 28, 2002 Notice was unavoidable.

Applicant has submitted a proper reply in the form of a sheet of substitute drawings, an acceptable statement of the unintentional nature of the delay in responding to the February 28, 2002 Notice, and the petition fee.

The petition under 37 CFR 1.137(b) is **GRANTED**.

After the mailing of this decision the application will be forwarded to OIPE for further processing.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions